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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/171,236	07/13/1999	NORIO HAGA		7804
7590	05/17/2004		EXAMINER	
Joseph R. Keating, Esq. Keating & Bennett, LLP 10400 Eaton Place, Suite 312 Fairfax, VA 22030			GOOD JOHNSON, MOTILEWA	
			ART UNIT	PAPER NUMBER
			2672	32

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/171,236	HAGA ET AL.
	Examiner	Art Unit
	Motilewa A. Good-Johnson	2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 04 March 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 17-22, 24 and 26-54 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 17-19, 24 and 27-54 is/are allowed.

6)  Claim(s) 20-22 is/are rejected.

7)  Claim(s) 26 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is responsive to communications: application, filed on 07/13/1999; IDS, paper #4, filed on 02/04/1999; IDS, paper #7, filed on 11/01/1999; IDS, paper #10, filed on 09/06/2000; Amendment A, filed on 06/05/2001; IDS, paper # 18, filed on 06/13/2001; Amendment B, filed on 02/08/2002; Amendment C, filed on 07/22/2002; Amendment D, filed on 12/26/2002; Amendment E, filed 06/12/2003.
2. Claims 17-22, 24, 26-35 and 37-54 are pending in this application.
3. The present title of the application is "Device and Method for Image Processing" (as originally filed).

### ***Claim Objections***

4. Claim 26 is objected to because of the following informalities: Claim 26 recites "according to any of claims 17 through 24.", however, claim 23 has been canceled. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. Claim 38 recites the limitation "said virtual camera" in page 8, line 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiumi et al., U.S. Patent Number 5,973,704, "Three-Dimensional Image Processing Apparatus", class 345/475.

As per independent claim 20, an image processing device . . . comprises: determination means for determining whether or not said objects are in a specific area . . . and camera angle adjusting means for adjusting the angle of said virtual camera based on the results . . . ; wherein the angle of the virtual camera is 0 degrees when said object is not in said predetermined area . . . adjust by the camera adjusting means to a value other than 0 degrees . . . Nishiumi discloses determining whether or not a object exists between the camera and an operable object position and if so altering the camera perspective, col. 1, lines 5-12, col. 12, lines 42-67 and figure 20.

However, it is noted that Nishiumi fails to disclose determining if object are in a predetermined area. Nishiumi discloses determining whether an obstacle is between an object and camera. It would have been obvious to one of ordinary skill in the art at the time of the invention that the obstacle is positioned in a general predetermined area and therefore included in the obstacle determining means.

With respect to dependent claim 21, . . . camera angle adjusting means adjusts the angle of said virtual camera based on the results . . . Nishiumi discloses said camera position changing based upon said detection, figure 20.

With respect to dependent claim 22, . . . camera adjusting means adjusts the angle of said virtual camera in at least one of either the lateral and vertical directions . . . Nishiumi discloses in col. 12, lines 55-67.

***Response to Arguments***

9. Applicant's arguments, see Amendment E, filed 06/12/2003, with respect to the rejection(s) of claim(s) 20-22 under Nishiumi have been fully considered and are not persuasive.

Regarding claim 20, Nishida discloses an image processing device for situating objects in virtual space formed by a computer system, developing a game while controlling the movement of said objects . . . (col. 3, lines 23-41) comprises: determination means for determining whether or not said objects are in one of a plurality of predetermined areas in said virtual space (col. 12, lines 52-58); and camera angle adjusting means for adjusting the angle of said virtual camera based on the results of the determination by said determination means (col. 12, lines 59-67); wherein each of said plurality of predetermined areas has a specific angle value assigned thereto (col. 12, lines 65-67); and the angle of the virtual camera is 0 degrees when said object is not in said one of said plurality of predetermined areas (col. , lines ), and the angle of the virtual camera is adjusted by the camera adjusting means to a value other than 0

degrees when said object is in said one of said plurality of predetermined areas in accordance with the specific angle value assigned to said one of said plurality of predetermined areas. (col. 1, lines 5-12, col. 12, lines 42-67 and figure 20)

Applicant argues that Nishiumi fails to teach determining whether or not objects are in a specific area and camera angle adjusting means for adjusting the angle.

Applicant states that Nishiumi teaches determining means for determining whether an obstacle is located between the object and the camera. It is inherent that if Nishiumi teaches determining means for an obstacle, i.e. an object, and the camera, Nishiumi is determining based upon the object's position in a certain area to an obstacle.

***Allowable Subject Matter***

10. Claims 17-19, 24, and 27-54 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

*Motilewa Good-Johnson*  
Motilewa A. Good-Johnson  
Examiner  
Art Unit 2672

mgj  
May 14, 2004